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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) CR 10-00731 LHK
14 Plaintiff,)
15 v.) STIPULATION AND [PROPOSED]
16 KENNETH NGUYEN HAI LE,) ORDER CONTINUING STATUS
17 Defendant.) CONFERENCE AND DOCUMENTING
EXCLUSION OF TIME

19 The defendant, Kenneth Nguyen Hai Le, and the government together respectfully
20 stipulate as follows:

21 1. A status conference is currently scheduled in this matter on November 30, 2011 at 10:00
22 a.m. The purpose of the status conference is advise the Court as to the status of a
23 potential disposition of the case;

24 2. The parties hereby advise the Court that the parties are continuing to confer over a
25 potential disposition. The disposition includes a restitution award and the defense needs
26 additional time to investigate the restitution issue.

27 Accordingly, the parties request a continuance of the status conference for this purpose.

28 Counsel for defendant is unavailable December 7, 2011, and counsel for the government is
unavailable December 14, 2011. The parties therefore jointly request that the Court set the matter

1 for change of plea or status conference on December 21, 2011, at 10:00 a.m. The parties jointly
2 request that the Court exclude the period of time between November 30, 2011, and December 21,
3 2011, under the Speedy Trial Act for effective preparation of counsel. See 18 U.S.C. §§
4 3161(h)(7)(A) and (b)(iv).

5
6 IT IS SO STIPULATED.
7

8 Dated: November 30, 2011

9
10 /s/
11 THOMAS FERRITO
12 Counsel for Defendant

13 Dated: November 30, 2011

14 /s/
15 MICHELLE J. KANE
16 Assistant United States Attorney

17 ORDER
18

19 The Court finds that, taking into the account the public interest in the prompt disposition of
20 criminal cases, granting the continuance until December 21, 2011, is necessary for effective
21 preparation of defense counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). Given these circumstances,
22 the Court finds that the ends of justice served by excluding the period from November 30, 2011,
23 to December 21, 2011, outweigh the best interest of the public and the defendant in a speedy
24 trial. *Id.* § 3161(h)(7)(A).

25 Accordingly, and with the consent of the defendant, the Court (1) sets a hearing on December
26 21, 2011, at 10:00 a.m. and (2) orders that the period from November 30, 2011, to December 21,
27 2011, be excluded from Speedy Trial Act calculations under 18 U.S.C. §§ 3161(h)(7)(A) and
28 (B)(iv).

29 IT IS SO ORDERED.

30 Dated: 11/29, 2011

31 
32 LUCY H. KOH
33 United States District Judge